

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

SEP 15 2017

Clerk, U S District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES EARL WILLIAMS,

Defendant.

CR 15-110-BLG-SPW

ORDER

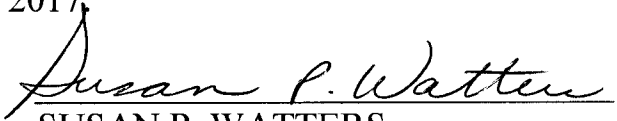
On September 1, 2017, United States Magistrate Judge Timothy Cavan entered Findings and Recommendations with respect to the August 7, 2017 petition for revocation of Defendant Williams' supervised release. Based on Williams' admissions to the alleged violations, Judge Cavan recommends Williams' supervised release be revoked. Judge Cavan further recommends that this Court sentence Williams to 6 months imprisonment and 60 months supervised release to follow. Williams objects to Judge Cavan's recommendation of 6 months imprisonment and asks the Court to instead impose 3 months imprisonment. (Doc. 46). Williams does not object to Judge Cavan's findings that he violated the terms of his supervised release or Judge Cavan's calculation of Williams' guideline range.

Pursuant to Federal Rule of Criminal Procedure 59(b)(2-3), the Court is required to conduct a de novo review of Judge Cavan's recommendation of 6 months. Williams' underlying offense is failure to register as a sex offender. (Doc. 33). Williams admitted to seven violations of his supervised release, including lying about possessing a cell phone capable of accessing the internet, using alcohol, missing a random urinalysis test, changing residence without notice, failure to report to sex offender treatment, and visiting a playground. (Doc. 45 at 5-6). Williams' guideline range is 6 to 12 months of imprisonment. (Doc. 45 at 3). Based on the underlying offense and the nature of Williams' admitted violations, the Court holds a low end guideline sentence of 6 months is a sufficient but not greater than necessary sentence. Williams' objection is overruled.

IT IS ORDERED that Judge Cavan's Findings and Recommendations are adopted in full.

IT IS FURTHER ORDERED that Defendant Williams' supervised release is revoked. Judgment will be entered by separate document.

DATED this 15th day of September, 2017.


SUSAN P. WATTERS
United States District Judge